

Order

Michigan Supreme Court
Lansing, Michigan

May 18, 2010

Marilyn Kelly,
Chief Justice

ADM File No. 2009-18

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

Amendments of Rules 7.211,
7.313, and 8.119 of the
Michigan Court Rules

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments of Rules 7.211, 7.313, and 8.119 of the Michigan Court Rules are adopted, effective September 1, 2010.

[Additions are indicated by underlining and deletions are indicated by strikeover.]

Rule 7.211 Motions in Court of Appeals

(A)-(B)[Unchanged.]

(C) Special Motions. If the record on appeal has not been sent to the Court of Appeals, except as provided in subrule (C)(6), the party making a special motion shall request the clerk of the trial court or tribunal to send the record to the Court of Appeals. A copy of the request must be filed with the motion.

(1)-(8)[Unchanged.]

(9) Motion to Seal Court of Appeals File in Whole or in Part.

(a)-(b) [Unchanged.]

(c) Except as otherwise provided by statute or court rule, the procedure for sealing a Court of Appeals file is governed by MCR 8.119(F). Materials that are subject to a motion to seal a Court of Appeals file in whole or in part shall be held under seal pending the court's disposition of the motion.

(d)-(f) [Unchanged.]

(D)-(E)[Unchanged.]

Rule 7.313 Motions in Supreme Court

(A)-(C)[Unchanged.]

(D) Motion to Seal File. Except as otherwise provided by statute or court rule, the procedure for sealing a Supreme Court file is governed by MCR 8.119(F). Materials that are subject to a motion to seal a file in whole or in part shall be held under seal pending the court's disposition of the motion.

(D)-(E)[Relettered (E)-(F) but otherwise unchanged.]

Rule 8.119 Court Records and Reports; Duties of Clerks

(A)-(E)[Unchanged.]

(F) Sealed Records.

(1)-(3)[Unchanged.]

(4) For purposes of this rule, "court records" includes all documents and records of any nature that are filed with the clerk in connection with the action. Nothing in this rule is intended to limit the court's authority to issue protective orders pursuant to MCR 2.302(C). Materials that are subject to a motion to seal a record in whole or in part shall be held under seal pending the court's disposition of the motion.

(5)-(7)[Unchanged.]

(G) [Unchanged.]

Staff Comment: These amendments of MCR 7.211, 7.313, and 8.119 clarify that materials filed with a trial court, with the Court of Appeals, or with the Supreme Court that relate to a motion to seal a record are nonpublic until the court disposes of the motion.

The staff comment is not an authoritative construction by the Court.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 18, 2010

Corbin R. Davis
Clerk